UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,236	12/10/2001	Michael L. Palmer	4232.124US1	9952

7590   06/14/2006

PIPER RUDNICK LLP
PATENT PROSECUTION SERVICES
1200 NINETEENTH STREET
WASHINGTON, DC 20036-2412

EXAMINER
ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/006,236	PALMER, MICHAEL L.
		Examiner	Art Unit	
		David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 March 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>54-82</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 54 – 82 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 54 – 65, 67, 69 – 80 and 82 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gauvin et al. (5991760) (hereinafter Gauvin) in view of Paik et al. (6185584)

(hereinafter Paik).

4.   As per claim 54, as closely interpreted by the Examiner, Gauvin teaches a method for

dynamically updating a content list at an end user location, said method comprising the steps of:

5.   receiving a content list from a feed station at a field station, (e.g., col. 14, line 55 – col.

15, line 36);

6.   transmitting a copy of the content list from the field station to an end user station, (e.g.,

col. 15, lines 20 – 52);

7.   receiving a message from the feed station at the field station, the message comprising at

least one revision to the content list, (e.g., col. 15, lines 20 – 52);

8.   implementing the revision to the content list at the field station, (e.g., col. 15, lines 20 –

52); and

9.   transmitting the revision to the end user station for revision of the content list at the end

user station, (e.g., col. 15, lines 20 – 52), but does not specifically teach wherein the content list

comprises an ordered sequence of stories, and wherein each story comprises at least text element,

metadata, and zero or more references to a media object. Paik teaches implementing the revision

to the content list at the field station, (e.g., col. 6, lines 15 – 45); and

10.   transmitting the revision to the end user station for revision of the content list at the end

user station, (e.g., col. 6, lines 15 – 45);

11.   wherein the content list comprises an ordered sequence of stories, and wherein each story

comprises at least text element, metadata, and zero or more references to a media object, (e.g.,

col. 6, lines 15 – 45 & col. 9, lines 16 – 60). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to combine Paik with Gauvin because it efficiently

allows a user to evaluate the status of articles and archiving articles in an Internet or Intranet

system.

12.   As per claim 55, as closely interpreted by the Examiner, Gauvin does not specifically

teach the revision comprises a change in an order of the stories in the content list. Paik teaches

the revision comprises a change in an order of the stories in the content list, (e.g., col. 9, lines 16

– 60). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine Paik with Gauvin because once a new article that has not been archive is

presented it would take the place of the newest archived article in the database, therefore

changing the order from first to second.

13.   As per claim 56, as closely interpreted by the Examiner, Gauvin does not specifically

teach the revision comprises an addition of a new story to the content list. Paik teaches the

revision comprises an addition of a new story to the content list, (e.g., col. 9, lines 16 – 60). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine Paik with Gauvin because similar reasons stated above.

14.   As per claim 57, as closely interpreted by the Examiner, Gauvin does not specifically

teach the revision comprises a deletion of a story on the content list. Paik teaches the revision

comprises a deletion of a story on the content list, (e.g., col. 9, lines 16 – 60). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine Paik

with Gauvin because for similar reasons stated above and if one were to delete articles from the

database, then it is inherent that the order is change because said deleted article is no longer in

the group and another article would have to take its place.

15.   As per claim 58, as closely interpreted by the Examiner, Gauvin teaches the revision

comprises the addition of a text element or a media object to a story in the content list, (e.g., col.

14, line 55 – col. 15, line 36).

16.   As per claim 59, as closely interpreted by the Examiner, Gauvin teaches the revision

comprises the deletion of a text element or a media object to a story in the content list, (e.g., col.

14, line 55 – col. 15, line 36).

17.   As per claim 60, as closely interpreted by the Examiner, Gauvin teaches the revision

comprises a modification of a text element or a media object associated with a story in the

content list, (e.g., col. 14, line 55 – col. 15, line 36).

18.   As per claim 61, as closely interpreted by the Examiner, Gauvin teaches the content list

comprises a reference to media objects and further comprising the steps of resolving the

reference to the media object by obtaining the media object from a media and object server,

wherein the media object includes one or more versions of associated media objects, (e.g., col.

14, line 55 – col. 15, line 36).

19.   As per claim 62, as closely interpreted by the Examiner, Gauvin teaches metadata

comprises at least one of text, XML markup, and binary information , (e.g., col. 14, line 55 – col.

15, line 36).

20.   As per claim 63, as closely interpreted by the Examiner, Gauvin teaches the message is

received after the content list is transmitted to the end user station information, (e.g., col. 14, line

55 – col. 15, line 36).

21.   As per claim 64, as closely interpreted by the Examiner, Gauvin does not specifically

teach a plurality of messages are received at the field station and transmitted to the end user

station, each of the messages including a revision to the same content list. Piak teaches a

plurality of messages are received at the field station and transmitted to the end user station, each

of the messages including a revision to the same content list, (e.g., col. 9, lines 16 – 60). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to

combine Paik with Gauvin because for similar reasons stated above.

22.   As per claim 65, as closely interpreted by the Examiner, Gauvin does not specifically

teach the steps of selecting stories from the content list for transmission to the end user station

from among a plurality of stories in the content list received from the feed station. Piak teaches

the steps of selecting stories from the content list for transmission to the end user station from

among a plurality of stories in the content list received from the feed station, (e.g., col. 9, lines 16

– 60). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine Paik with Gauvin because for similar reasons stated above.

23.   As per claim 67, as closely interpreted by the Examiner, Gauvin teaches the step of

selecting stories from the content list for transmission to the end user station from among a

plurality of stories in the content list received from the feed station, (e.g., col. 14, line 55 – col.

15, line 36).

24.   Claims 69 – 80 and 82 are rejected for similar reasons as stated above.

25.   Claims 66, 68 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gauvin and Piak in further view of Hanson et al. (6463461) (hereinafter Hanson).

26.   As per claim 66, as closely interpreted by the Examiner, Gauvin and Piak do not

specifically teach the stories for transmission to the end user station are selected on the basis of

content of the story and identity of an audience associated with the end user station. Hanson

teaches the stories for transmission to the end user station are selected on the basis of content of

the story and identity of an audience associated with the end user station, (e.g., Abstract). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine Hanson with the combine system of Gauvin and Paik because it would be more

efficient for a system to tailor to the specific needs of a group that subscribes to a specific section

of the news, for example Sports, and to filter out any unwanted information that the group does

not wish to view, for example Business.

27.   Claims 68 and 81 are rejected for similar reasons as stated above.

Response to Arguments

28.   Applicant's arguments with respect to claims 54 – 82 have been considered but are moot

in view of the new ground(s) of rejection.

Conclusion

29.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30.   a.   Wactlar et al. U.S. Patent No. 5835667 discloses Method and apparatus for creating a searchable digital video library and a system and method of using such a library.

31.   b.   Crandall U.S. Patent No. 6438588 discloses Central data exchange.

32.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

    Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David E. England whose telephone number is 571-272-3912.
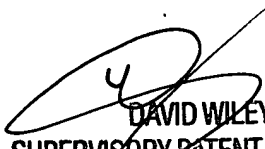
The examiner can normally be reached on Mon-Thur, 7:00-5:00.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

    Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                        David E. England
                                        Examiner
                                        Art Unit 2143

DE

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100